

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

AZZAM MEDICAL SERVICES, LLC, and )  
DIVERSE MEDICAL MANAGEMENT, INC., )

*Plaintiffs,* )

v. )

PLATINUM GROUP USA, INC., )  
AMERICORE HEALTH, LLC, AMER )  
RUSTOM, MICHAEL LEWITT, GRANT )  
WHITE, and JAMES B. BIDEN, )

*Defendants.* )

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PLATINUM GROUP USA, INC., )

*Counter-claimant/Third-party )  
Plaintiff,* )

v. )

DIVERSE MEDICAL MANAGEMENT, )  
INC., MICHAEL FREY, NATALIE FREY, )  
and MOHANNAD AZZAM, )

*Counter-Defendant/Third-party )  
Defendants.* )

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GRANT WHITE, and AMERICORE )  
HEALTH, LLC, )

*Counter-claimants/Third-party )  
Plaintiffs,* )

v. )

DIVERSE MEDICAL MANAGEMENT, )  
INC., and MICHAEL FREY, )

*Counter-Defendant/Third-party )  
Defendant.* )

No. 4:19-cv-46

Judge Collier  
Magistrate Judge Steger

## **SCHEDULING ORDER**

1. **Introduction:** Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling conference was held in this cause on **February 13, 2020**. Defendant Grant White did not appear and did not participate in the scheduling conference, but the dates in this Scheduling Order still apply to him. If Defendant White retains other counsel, counsel should be aware Defendant White is fully bound by these dates. Defendant Americore Health, LLC also did not appear, but has begun Chapter 11 bankruptcy proceedings and thus the proceedings against it are stayed.
2. **Jurisdiction:** The subject matter jurisdiction of the Court has been invoked pursuant to **28 U.S.C. § 1332** and **is not** in dispute.
3. **Consent to Magistrate Judge:** The parties **do not** consent that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c).
4. **Settlement/Alternative Dispute Resolution:** There is a **real chance of settlement** at this time.
5. **Disclosure and Discovery:**
  - (a) **Fed. R. Civ. P. 26(f) Meeting:** The parties have held a discovery planning meeting as required by Rule 26(f).
  - (b) **Discovery Plan:** The parties have filed with the Court a discovery plan in accordance with Rule 26(f).
  - (c) **Initial Disclosures:** The parties shall make all disclosures required by Rule 26(a)(1) on or before **March 6, 2020**.
  - (d) **Expert Testimony:** Disclosure of any expert testimony in accordance with Rule 26(a)(2) shall be made by the party with the burden of proof by **November 2, 2020**, and responsive disclosures shall be made by **January 15, 2021**.

If either party believes a *Daubert* hearing may be necessary to determine the admissibility of expert testimony, the party shall file a motion to that effect no later than **February 22, 2021**. If one or more *Daubert* motions are filed, the Court will hold a hearing on the motions on or around **March 9, 2021**.
  - (e) **Final Witness List:** On or before **April 30, 2021**, the parties shall provide to all other parties a final witness list in accordance with Rule 26(a)(3)(A)(i). Within **seven (7) days** after service of this final witness list, the list may be supplemented. After that time the list may be supplemented only with leave of the Court and for good cause.

- (f) **All Discovery:** All discovery, including the taking of depositions “for evidence” and requests for admissions, shall be completed by **September 30, 2020**.
- (g) **Pretrial Disclosures:** On or before **June 1, 2021**, the parties shall make the pretrial disclosures specified in Rule 26(a)(3)(A)(ii) and (iii) (deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.
- (h) **Courtroom Technology:** Your trial will be conducted with all exhibits in electronic format with use of the Jury Evidence Recording System (JERS). Paper documents should not be used. At least **seven (7) days** before the final pretrial conference, the parties shall disclose, to one another and to the Court, technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment; data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court the parties intend to use. Further, the parties shall disclose to one another the content of their electronic or digital materials, and shall confirm the compatibility and viability of their planned use of technology with the Court’s equipment on or before the date of the final pretrial conference. In order to best facilitate presentation of evidence at trial, parties are strongly encouraged to provide their exhibits to the courtroom deputy on the date of the final pretrial conference, or at least **seven (7) days** prior to trial. Information on JERS, specific requirements, and equipment supplied by the Court is available on the Eastern District of Tennessee website ([www.tned.uscourts.gov](http://www.tned.uscourts.gov)). Specific questions about Court-supplied equipment should be directed to the courtroom deputy (directory available on website).

**6. Other Scheduling Matters:**

- (a) **Amendment of Pleadings:** If any party wishes to amend the pleadings, such motion to amend shall be made by **July 6, 2020**.
- (b) **Joinder of Parties:** Because the parties did not indicate a preferred deadline for joinder of parties at the scheduling conference, any joinder shall be filed no later than **forty-five (45) days** from the entry of this order.
- (c) **Dispositive Motions:** All dispositive motions under Rule 12 and all motions for summary judgment pursuant to Rule 56 shall be filed as soon as possible, but no later than **February 22, 2021**. The failure to timely file such motions will be grounds to summarily deny them.
- (d) **Motions in Limine:** Any motions in limine must be filed no later than **August 16, 2021**.
- (e) **Special Requests to Instruct for Jury Trial:** Requests for jury instructions shall be submitted to the Court pursuant to Local Rule 51.1 no later than **August 30**,

**2021**, and shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the prepared jury instructions shall be filed with the Court and sent as a Microsoft Word document or in a compatible format to **collier\_chambers@tned.uscourts.gov**.

The parties shall confer and submit joint proposed jury instructions to the extent possible. Before submitting proposed instructions to the Court, the parties must attempt to resolve any disagreements. All proposed jury instructions must follow the form of the Sixth Circuit Criminal Pattern Jury Instructions.

7. **Final Pretrial Conference**: A final pretrial conference will be held in chambers on **Thursday, September 2, 2021, at 4:00 p.m.** The parties shall prepare and submit a proposed final pretrial order to the Court no later than **one business day** before the date of the final pretrial conference. A sample copy of the final pretrial order is located on the district court's web page at **www.tned.uscourts.gov**.
8. **Trial**: The trial of this case will be held in Chattanooga before the United States District Judge **and a jury** beginning on **September 13, 2021**. The trial is expected to last **ten (10) days**. The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date.

**Should the scheduled trial date change for any reason, the other dates contained in this order shall remain as scheduled. Should the parties desire a change in any of the other dates, they should notify the Court by motion and seek an order changing those dates.**

**SO ORDERED.**

**ENTER:**

**/s/**  
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**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**